

**REMARKS****35 USC §112(2)**

Claims 1-11 stand rejected under 35 USC 112(2). The amendment cures the antecedent basis objection to the "height setting" limitation in claim 1.

Claim 2 has been amended to cure the objections to lines 1 and 7 therein. This amendment does not narrow the claim as the added recitation was inherent in the original language.

**35 USC §102(b)**

Claims 1-11 stand rejected under 35 USC 102(b) as anticipated by Pollklas (U.S. 5,575,316).

Pollklas is primarily directed not to the end of the discharge chute that pivots on the harvester, but to its other end that discharges grain into a truck. Accordingly, the disclosure of the pivot of the transfer device on the harvester is not disclosed in more than rudimentary detail. As is apparent from examining Figs. 1, 2 and 3 and reading Column 5, lines 5-14 and lines 60-67, there is disclosed no device for elevating the transfer chute at certain rotational positions. The Office Action appears to rely on the proposition that sensor 6 anticipates the sensors recited in the limitations of the pending claims. It does not. The sensor in reference numeral 6 in the reference relates to a manipulation of the discharge from the chute. Because the Pollklas reference fails to disclose the elements recited in the claim limitations, the reference cannot anticipate the pending claims.

The reference does not disclose a sensor with either a first or at least one other maximum permitted pivot range. Nor does it disclose a sensor configured to change limit ranges dependent

upon the transfer device's position relative to the harvester. With regard to claim 2, the Pollklas reference doesn't disclose a rotational position indicator for the position of the transfer chute relative to the harvester. Claims 3-11 depend from claim 2. Claim 2 not being anticipated by the Pollklas reference, and allowable over it, the dependent claims are also allowable over it.

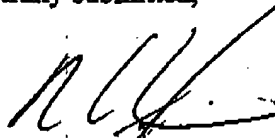
### ***Conclusion***

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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